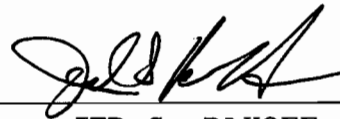


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
In re MERRILL LYNCH & CO., INC., :
SECURITIES, DERIVATIVE AND ERISA :
LITIGATION :
-----XMaster File No.:
07 Civ. 9633 (JSR)PERTAINS TO :
Derivative Action, 07 Civ. 9696 and :
Lambrecht v. O'Neal, 09 Civ. 8259 :
-----XORDER

JED S. RAKOFF, U.S.D.J.

By letter dated June 1, 2010, the Clerk of the Supreme Court of Delaware asked the parties about the status of the stay in the above-captioned cases, and the parties informed her that the current stay is in effect only until July 19, 2010. However, the Court's Memorandum Order of March 9, 2010 set that date in the expectation that it would provide sufficient time for the Delaware Supreme Court to "indicate [whether] it will address" the certified question, 3/09/10 Mem. Order, which it has now done. Although no party has asked for a further extension, it would be this Court's view that, now that the Delaware Supreme Court has accepted certification, this Court would likely rule favorably on any application of any party to extend the stay until after the Delaware Supreme Court issues its decision. Counsel for the parties are hereby directed to furnish a copy of this Order to the Clerk of the Supreme Court of Delaware.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
June 4, 2010